

**The Corporation of the Town of Cobourg**

**MOTION**

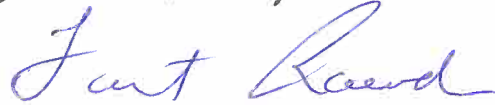
**Date: July 14, 2014**

**No. 383-14**

Moved by:



Seconded by:



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WHEREAS the Committee of the Whole has considered a report from the Municipal Clerk regarding Delegation of Powers and Duties - Administration Policy;

NOW THEREFORE BE IT RESOLVED THAT Council adopt a 'Delegation of Powers and Duties - Administration' policy pursuant to Section 23-23.5 of the Municipal Act S.O. 2001 which stipulates that a municipality is required to adopt and maintain policies with respect to the delegation of powers and duties as outlined in the policy attached to this report as Appendix "A".



# CORPORATION OF THE TOWN OF COBOURG

**Division:** Corporate Services

**Effective Date:** July 14, 2014

**Department:** Legislative Services

**Approval Level:** Council

**Policy Title:** Delegation of Powers and  
Duties – Administration

**Section #** 3-1  
**Policy #** LEG-ADM9

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## **Purpose**

This policy is made pursuant to s.23-23.5 and s.270 of the *Municipal Act, 2001*, which stipulates that a Municipality is required to adopt and maintain policies with respect to the delegation of its powers and duties.

## **Policy**

Council is directly accountable to its constituents in the exercise of its legislative and administrative powers. In order to manage the Town of Cobourg efficiently, and to respond to issues in a timely fashion, it is appropriate to entrust certain powers and duties to committees and staff, while maintaining accountability and transparency in government.

### **1. REQUIRMENTS**

The following principles shall govern the delegation by Council of any of its powers and duties:

1. All delegations of Council powers, duties or functions shall be effected by by-law.
2. Unless a power, duty or function of Council has been expressly delegated by by-law, all of the powers, duties and functions of Council remain with Council.
3. A delegation of a power, duty or function under any by-law to any member of staff includes a delegation to a person who is appointed by the Chief Administrative Officer or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
4. Subject to section 3, a person to whom a power, duty or function has been delegated by by-law shall have no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.
5. Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and must take into account the limitations set out in the Act.



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6. Administrative matters may generally be delegated to staff subject to the conditions set out in the delegation and in this policy, and must take into account the limitations set out in the Act.
7. In exercising any delegated power, the delegate shall ensure the following:
- Any expenditure related to the matter shall have been provided for in the current year's budget and in accordance with the Town's (authorized) Purchasing Policy.
  - The scope of the delegated authority shall not be exceeded by the delegate.
  - Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.
  - Delegates shall ensure the consistent and equitable application of council policies and procedures.

## 2. Restrictions of Delegation of Legislative and Quasi-Judicial Powers:

Pursuant to s.23.3(1) of the *Municipal Act, 2001*, Powers not to be delegated.

Council is not authorized to delegate any of the following powers and duties:

- To appoint or remove from office statutory officers of the municipality;
- to pass a by-law dealing with issues regarding taxes;
- to incorporate corporations;
- to adopt an Official Plan or an amendment to an Official Plan under the Planning Act;
- to pass a zoning by-law under the Planning Act;
- to pass a by-law related to small business counseling and municipal capital facilities;
- to adopt a community improvement plan;
- to adopt or amend the municipal budget;
- any other power that may be prescribed.

## 3. APPEAL BODY

Subject to section 284.1 of the *Municipal Act, 2001*, Council may provide for the review or appeal of a decision made by a person or a body exercising a delegated authority, and may establish and appeal body to conduct the reviews or hear such appeals if it deems necessary.



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## Definitions

“**Legislative Powers**” shall mean all matters where Council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision making authority.

“**Administrative Powers**” shall mean all matters required for the management of the corporation which do not involve discretionary decision-making.

## Scope

As required by Section 270 of the Municipal Act, 2001, this policy applies to all municipal operations and to all members of Council, committees and municipal staff of the Town of Cobourg.

## Administration

The Chief Administrative Officer shall implement and administer the terms of this policy.

## Cross Reference

Policy #

Procedure #

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Resolution # 383-14	Revision Description:	Signature/Municipal Clerk: 	Council Approval Date: July 14, 2014
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